

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4648 OF 2004
IN
CRIMINAL APPEAL NO. 24 OF 2002

1. Vivek Sadashiv Palav	..Applicants
2. Sunil Sadashiv Palav	(Ori. Accused 1 & 3)
versus	
The State of Maharashtra	..Respondents

Mr. Ganesh Gole for Mr. P. W. Sawant for the Applicants.

Mr. B. R. Patil, P.P. for the Respondents.

CORAM : D. G. DESHPANDE, J.

DATE : 13TH JANUARY, 2005

P.C :

1. Bail application of these applicants - accused was rejected by me. However, on 1.7.2004 an order was passed that since the applicants - accused are in custody from 10.12.2001 out of the sentence of five years, the appeal will be heard finally on 22.7.2004 provided the applicants prepare private paper book. The learned counsel for the applicants - accused state that paper book has been prepared

but till today the appeal is not heard finally. He therefore prays that bail application of the applicants - accused be considered.

2. Learned counsel for the applicants - accused relied upon a judgment reported in **(2001) 10 Supreme Court Cases 463 Takht Singh and others vs. State of M.P..** In that case the accused were convicted under Section 302 and 149 of IPC and sentenced to life imprisonment. Before the High Court when the applicants challenged the conviction and filed an application before the High Court for bail, High Court indicated that the applicants can renew their prayer for bail after one year. However the bail application was rejected. When the matter went to the Supreme Court the Supreme Court found that the appellants were already in jail for over 3 years and 3 months and there was no possibility of early hearing of the appeal in the High Court, therefore bail was granted subject to the satisfaction of the Chief Judicial Magistrate, Sehore.

3. Learned counsel for the applicants -accused contended that in the present case conviction is under Section 307 read with 498A and that out of five years applicants - accused are in custody for more than three years i.e. 10.12.2001 and the appeal has not been finally heard. Therefore, in

the circumstances applicants - accused be released on their furnishing P.R. bond of Rs.7,500/= (Rupees Seven Thousand Five Hundred) each with one solvent surety each in the like amount. The applicants - accused to attend Kurla Police Station once in a fortnight till the Appeal is disposed of. Application disposed of.

13.1.2005

(D.G. DESHPANDE, J.)